

BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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IN THE MATTER OF THE REQUEST :  
FOR AGENCY ACTION OF ENCORE :  
ENERGY LLC TO APPEAL A DIVISION :  
ORDER REQUIRING PLUGGING AND :  
ABANDONING OF THE TOMLINSON :  
FEE #1 GAS WELL LOCATED IN THE :  
CISCO FIELD IN THE NWNE QUARTER :  
OF SECTION 12, TOWNSHIP 21 SOUTH, :  
RANGE 23 EAST, SLBM, IN GRAND :  
COUNTY, UTAH.

NOTICE OF HEARING

AND

Docket No. 2011-010  
Cause No. 102-81

NOTICE OF AGENCY ACTION FOR AN :  
ORDER TO REQUIRE ENCORE ENERGY :  
LLC TO PLUG THE ABOVE DESCRIBED :  
WELL AND IN THE ALTERNATIVE TO :  
ORDER THE SURETY FORFEITED AND :  
ORDER THE DIVISION TO PLUG THE :  
WELL, RECLAIM THE WELL SITE AND :  
TO RECOVER COSTS OF SUCH :  
ACTION.

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THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE FOLLOWING  
MATTER.

Notice is hereby given that the Board of Oil, Gas and Mining ("Board"), State of Utah, will conduct a hearing on WEDNESDAY, May 25, 2011, at 9:00 AM, or as soon thereafter as possible, in the Multipurpose Room at the Jennifer Leavitt Student Center, College of Eastern Utah, 451 East 400 North, Price, Utah.

The hearing will be conducted as a formal administrative adjudication in accordance with the rules of the Board as set forth in Utah Administrative Code R641 et seq. and as provided for in Utah Code Ann. § 40-6-1 et seq. and Utah Code Ann. § 63G-4-101 through 601.

The purpose of the hearing will be for the Board to receive testimony and evidence regarding:

1. The Petitioner's Request for Agency Action Appealing the Division's Order to plug the Tomlinson Fee #1 well and reclaim the well site; and seeking a grant of an extension of time; and
2. The Division's Notice of Agency action opposing the appeal and asking an order enforcing the Division Order and providing in the event that Petitioner does not comply, granting an order forfeiting the surety posted for the well and requiring that the Division plug the well and reclaim the well site and take such additional action as necessary to recover the costs of such action; and
3. Providing such other relief as may be just and equitable under the circumstances.

Objections to the Request for Agency Action must be filed with the Secretary of the Board at the address listed below no later than the 10th day of the month, or two weeks before the scheduled hearing, whichever is earlier. A party must file a timely written objection or other response in order to participate as a party at the Board hearing.

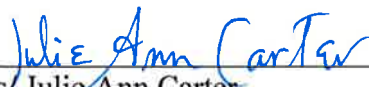
Natural persons may appear and represent themselves before the Board. All other representation by parties before the Board will be by attorneys licensed to practice law in the State of Utah, or attorneys licensed to practice law in another jurisdiction which meet the rules of the Utah State Bar for practicing law before the Utah Courts.

Persons interested in this matter may participate pursuant to the procedural rules of the Board. The Request for Agency Action, and any subsequent pleadings, may be inspected at the office of the undersigned.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Julie Ann Carter at (801) 538-5277, at least three working days prior to the hearing date.

DATED this 27th day of April, 2011.

STATE OF UTAH  
BOARD OF OIL, GAS AND MINING  
James T. Jensen, Chairman

  
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/s/ Julie Ann Carter  
Secretary to the Board  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84116  
(801) 538-5277

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2011-010, Cause No. 102-81 to be mailed with postage prepaid, this 28<sup>th</sup> day of April, 2011, to the following:

Wayne Stout  
Encore Energy LLC  
1216 18 ½ Road  
Fruita, CO 81521

Michael S. Johnson  
Assistant Attorneys General  
Utah Board of Oil, Gas & Mining  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84116  
**[Via Email]**

Steven F. Alder  
Assistant Attorneys General  
Utah Division of Oil, Gas & Mining  
1594 West North Temple, Suite 300  
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Encore Energy  
c/o Wayne Stout  
924 S 1000 E  
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C. Joseph Croker, PC  
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Fruita, CO 81521

Alton E. Tomlinson, et al  
c/o Tim Tomlinson  
1620 8 Road  
Mack, CO 81525

  
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**CERTIFICATE OF PUBLISHED NOTICE**

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2011-010, Cause No. 102-81 to be PUBLISHED in the following newspapers on the following days:

May 2, 2011:

The Salt Lake Tribune and Deseret Morning News, newspapers of general circulation in Salt Lake City and County.

May 4, 2011:

The Times-Independent, a newspaper of general circulation in Grand County.

